

From: Marc Sorensen
To: Sub Committee Chair Mike McDade

Subj: MINORITY REPORT ON SUBCOMMITTEE DUTIES OF ELECTED
OFFICIALS TOPIC SECTION 40

As the dissenting vote on our Subcommittee topic Section 40 I am writing a minority report to document the reasons I am against this action.

The main issue that this proposal is addressing is a better documented attorney-client relationship which will place the City Council or Mayor as the controlling factor for any civil litigation initiated by the City Attorney. As noted by our subcommittee discussion it seeks to place checks and balances on the City Attorney.

While I agree that the control of litigation initiated by the City needs to be clarified this topic belongs in the parking lot. This topic deals with the interaction of all three branches of our City government and as such this issue should be fully discussed by them as well as the public who have the right to assure themselves that nothing shall constrain the City Attorney from proposing for and representing the best interests of the Voters

I voted no on this issue because of the process followed by our subcommittee with respect to this topic as documented below:

1. First and foremost the amount of time devoted to this action. Our subcommittee spent more time on topics such as; The Mayor appointment powers, the City Personnel director, setting salaries, and Managed Competition than we spent on this topic, yet this topic is a major change to the Charter as it assigns powers and duties of all our elected officials, and yet we have not heard from most of those officials.
2. Our subcommittee meetings were held in our normal setting and time frame, which is really not conducive to participation by the public. Nor were there timely posting of issues and reports on the website to identify this issue to the public. At the last subcommittee meeting the language was still being modified and the vote was taken without the final draft available for the Subcommittee or anyone else to review.
3. We only heard from one person on this issue, which was a requested presentation in support of this issue. There was no advanced notice of this presentation nor was it documented in any way. The presentation was as much about appointed versus elected City Attorney as it was the attorney-client relationship. The City Attorney did send a representative to object to our discussions on the grounds that as an elected official the City Attorney was not allowed to recommend members of the committee.
4. The majority of the language recommended for the ballot was derived from the Los Angeles Charter, which our staff person was a member of and actually wrote. When I asked Mr. Ingram about how that was developed his response was:

“The Elected Los Angeles Charter Reform Commission took up this issue in the City Attorney Task Force, for which I led the staff, drafted the reports, and authored the first draft and final editing of the language which is now part of the Los Angeles Charter. The Task Force met a few times, took testimony from representatives of the Mayor and City Attorney's office, and from anyone who sent letters in on the issue. The City Attorney's sister was on the elected commission, so she presented his perspective, even though she was not actually a member of the Task Force. In the end, the language was a compromise between those who wanted an elected City Attorney with robust authority, and those who wanted an appointed City Attorney clearly tasked with representing City agencies. The main work in Los Angeles on the issue was done by the staff on the reports, and the elected commissioners mainly assimilated the information from our reports.”

While the language may be a good fit for our City, the process that we are following get is not. The Los Angeles charter language came about through a focus group selected by a charter review commission to deal with just this issue. They did the due diligence of seeking out information from the elected officials as well as the public. This issue deals with all our elected official's responsibilities so care should be taken to ensure the process is both open and deliberative as possible. The process should follow what was done in Los Angeles, advanced notification, adequate preparation, information presentation and open deliberations. It would also be better if the staff supporting this effort was not linked directly to any other efforts in this area, especially the effort that is being used as the foundation for our recommendation.

What I think our Committee should do is simply recommend to the City Council that this issue needs to be addressed.

Marc Sorensen
DEO Subcommittee member